IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE P.S.NARAYANA

-

WRIT PETITION NO : 12863 of 1997

Between:

Deepa H.Lalchand, W/o. Lalchand,
R/o. Flat No.5 IV.C,Bharani Complex, Ministers Road,
Secunderabad.

..... PETITIONER

AND

1. The Secretary, Govt. of India, Ministry of Telecommunications,
   Sanchar Bhavan, New Delhi.
2. The General Manager-cum-Chairman of STD Selection Authority,
   Hyderabad Telephones Suryalok Complex, Hyderabad.
3. The Divisional Engineer , Phones(external)
   Surya Towers, S.P.Road, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly in the nature of Writ of Mandamus declaring that the third respondent or his subordinates have no jurisdiction or authority to disconnect the Petitioner's public telephone connection No.7804576 on the allegation of conference calls system which is not contrary to any rules or regulations of the Department and that the action of the respondent No.3 to disconnect the said telephone connection without conducting any enquiry or passing and serving any order of disconnection as illegal arbitrary, capricious ,without jurisdiction and against the principles of natural justice and consequently direct the respondents not to disconnect the Petitioner's Public telephone

No.7804576.

Counsel for the Petitioner: MR.K.SARVA BHOUMA RAO

Counsel for the Respondent No.1: MR.G.S.PRAKASH RAO

Counsel for the Respondents 2 & 3: Mrs. PADMALATHA YADAV

The Court made the following:

O R D E R:

The present Writ Petition is filed for a Writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring that the third respondent or his subordinates have no jurisdiction or authority to disconnect the petitioner's public telephone connection No.7804576 on the allegation of conference calls system which is not contrary to any rules or regulations of the Department and that the action of the respondent No.3 to disconnect the said telephone connection without conducting any enquiry or passing and serving any order of disconnection as illegal, arbitrary, and without jurisdiction and consequently direct the respondents not to disconnect the petitioner's public telephone No.7804576 and pass such other suitable orders.

2. This Court in W.P.M.P.No.15448 of 1997, passed the following order:

> *"Mr.R.S.Murhty, the learned Additional Standing Cousnel for Central Government takes notice on behalf of the respondents and requests two weeks time for filing counter.*
>
> *In the meanwhile, the respondents are directed not to disconnect the telephone of the petitioner on condition that the petitioner shall not operate the conference calls. The respondents are entitled to inspect the premises of the telephone for finding out whether the petitioner is using the telephone for the purpose of conference calls and if the respondents notice that the*

telephone is still being using for purpose of conference calls, they are at liberty to disconnect the telephone and this order shall automatically stand vacated."

3. In the light of the directions specified supra, no further orders need be passed in the present Writ Petition. However, liberty is given to the respondents to conduct proper enquiry if they require to do so, in accordance with law.

4. The Writ Petition is accordingly disposed of. No order as to costs.

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Dated: 22-12-2004. **P.S. NARAYANA, J**

Ccm

To

1. The Secretary, Govt. of India, Ministry of Telecommunications,
   Sanchar Bhavan, New Delhi.
2. The General Manager-cum-Chairman of STD Selection Authority,
   Hyderabad Telephones Suryalok Complex, Hyderabad.
3. The Divisional Engineer , Phones(external)
   Surya Towers, S.P.Road, Secunderabad.

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